

REMARKS

The present application has pending claims 8 and 9.

Claims 8 and 9 stand provisionally rejected under the judicially created doctrine of obviousness type double patenting as being unpatentable over claims 20, 21, 23, 24, 25, 27-29, 31-34 and 36 of copending Application Serial No. 10/124,577 in view of Coppersmith (U.S. Patent No. 5,454,039).

Applicants do not agree with this rejection. However, in order to expedite prosecution of the present application filed on even date herewith is a Terminal Disclaimer obviating this rejection. Therefore, reconsideration and withdrawal of this rejection is respectfully requested.

It should be noted that the filing of the Terminal Disclaimer was not intended nor should it be considered as an agreement on Applicants part that the features recited in claims 8 and 9 are taught or suggested by claims 20, 21, 23, 24, 25, 27-29, 31-34 and 36 of the copending application. The filing of the Terminal Disclaimer was simply intended to expedite prosecution of the present application.

Applicants acknowledge the Examiner's indication in paragraph 5 of the Office Action that claims 8 and 9 would be allowable if a Terminal Disclaimer in compliance with 37 CFR §1.321(c) is filed. As indicated above, a Terminal Disclaimer is being filed on even date herewith to overcome the double patenting rejection of claims 8 and 9. Therefore, claims 8 and 9 are allowable as indicated by the Examiner.

In view of the foregoing amendments and remarks, applicants submit that claims 8 and 9 are in condition for allowance. Accordingly, early allowance of claims 8 and 9 is respectfully requested.

To the extent necessary, the applicants petition for an extension of time under 37 CFR 1.136. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, or credit any overpayment of fees, to the deposit account of MATTINGLY, STANGER, MALUR & BRUNDIDGE, P.C., Deposit Account No. 50-1417 (500.41083X00).

Respectfully submitted,

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